



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,631	03/04/2002	Rodney Merry	1023-043US01	9152

28863 7590 05/07/2004  
SHUMAKER & SIEFFERT, P. A.  
8425 SEASONS PARKWAY  
SUITE 105  
ST. PAUL, MN 55125

EXAMINER

LAYNO, CARL HERNANDZ

ART UNIT PAPER NUMBER

3762

DATE MAILED: 05/07/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/091,631

Applicant(s)

MERRY, RODNEY

Examiner

Carl H. Layno 5/5/04

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-27 and 31-33 is/are allowed.
- 6) ☒ Claim(s) 1,4,11,13-16,20,28 and 29 is/are rejected.
- 7) ☒ Claim(s) 2,3,5-10,12,17-19,21 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3762

## DETAILED ACTION

### *Information Disclosure Statement*

1. Acknowledgment is made of applicant's Information Disclosure Statement (PTO-1449) which was received by the Office on May 20, 2002. This paper has been filed in the case as Paper No.2.

### *Drawings*

2. Applicant's formal drawings were received by the Office on March 4, 2002 and have been made of record in the file as part of Paper No.1. These drawings have been are objected to by both the Draftsperson and the Examiner. The drawings are acceptable for examination purposes only

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

Art Unit: 3762

do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 4, 11, 13-16, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Frangesch et al '146-B2.

The Frangesch et al '146-B2 patent describes a docking station **2** for a patient monitor **4** (Fig.1). The docking station includes a platform (Fig.4) having two pairs of clamping/coupling mechanisms **34** and **36** (Fig.4) controlled by a security lever **20** for engaging the patient monitor **4** on the platform. In one embodiment, the platform of Fig.4 is supported by a "base" comprising a wall mounted base **128** with support arm **130,104** (Fig.2) having a pivot rod **136,108**, which enables the platform and monitor to rotate.

In regard to claims 13-16, clamp sets **34** and **36** can be retracted or extended (col.5, lines 14-25) to disengage or engage two sides of the patient monitor **4**, respectively.

5. Claims 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Foster et al '651.

The Foster et al '651 patent describes a wheeled cart (Fig.11) with platforms for holding medical equipment. The cart comprises a base structure **303,304,307** to which wheels are mounted and compartments are constructed. A raised platform **316** includes a swing arm (not numbered) and secondary platform for mounting a patient monitor **320**. With this arrangement,

the swing arm would, presumably, permit the rotation of monitor 320 relative to the base structure of the cart.

*Allowable Subject Matter*

6. Claims 2, 3, 5-10, 12, 17-19, 21, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 22-27 and 31-33 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter:

Independent claim 22 describes a device for mounting a medical device comprising the unusual features of a "crown" coupled to a platform and a "spring mechanism". The examiner could not find these mounting features for medical devices in the prior art.

Independent claim 31 recites a defibrillator having a "first" and a "second" docking structure for engaging corresponding coupling mechanisms of a docking station. The examiner was unable to find these features on defibrillators of the prior art.

In view of the shortcomings of the prior art, the Examiner deems these claims and their depending claims to be allowable.

9. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a). Specifically, corrected formal drawings are required.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Clark et al '178-B1 and Ehrenreich et al '015-A1 references describe mobile medical computer mounting structures. Unlike applicant's claimed device, no reference is made to these structures capable of bearing defibrillators.

The Magin '722 patent describes a spring mounting base 4 for a defibrillator 1 (Fig.1). Unlike applicant's device, the patent does not specify applicant's claimed mounting details (e.g. rotating platform, coupling mechanisms, etc.).

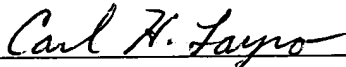
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl H. Layno whose telephone number is (703) 308-3694. The examiner can normally be reached on Monday thru Thursday from 9 AM to 6 PM and every other Friday between 9AM and 5PM. A voice mail or E-mail message ([carl.layno@uspto.gov](mailto:carl.layno@uspto.gov)) may be left if desired.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes, can be reached on (703) 308-5181. The current fax number for this Group is (703) 305-3590. Alternatively, for official correspondence, one may use the RightFax

• Application/Control Number: 10/091,631  
Art Unit: 3762

number (703) 872-9302 and for unofficial faxes (703) 746-4873. For after final actions, use (703) 872-9303.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Legal Instruments Examiner (LIE) Brenda Webb whose telephone number is (703) 305-7520.



CARL LAYNO  
PRIMARY EXAMINER

CHL  
5/5/04